



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 195

PERMIT No. 733

APPLICATION No. 649

This is to certify, That Thos. M. Taggart, Box 644

Assigned

of San Jose, California

has made proof to the satisfaction of the Division

of Water Rights of California of a right to the use of the waters of Arroyo Seco in

Santa Clara County

tributary of Alamitos Creek

for the purpose of irrigation

under Permit No. 733 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights, and the terms of the said permit; that the priority of the right herein confirmed dates from April 25,

1917, that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed seventy-five thousandths (0.075) cubic foot per second from about March 1st to about June 1st and from about September 1st to about December 1st of each season.

The point of diversion of such water is located S. 25° 30' W. nine hundred twenty (920) feet from corner No. 5 on the northerly boundary of the San Vicente Rancho, being within Lot 15 of the A. H. Martin et al Subdivision of the San Vicente Rancho, within the SW $\frac{1}{4}$ of projected Section 25, T.8S., R.1E., M.D.M.

A description of the lands or the place where such water is put to beneficial use is as follows: to irrigate ten (10) acres in Lot 15 of the A. H. Martin et al Subdivision of the San Vicente Rancho

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this 13th day of March, 1923.

MSE: IM

(SEAL)

H. A. Kluegel

Chief of Division of Water Rights, Department of Public Works of the State of California



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 196 PERMIT No. 113 APPLICATION No. 312
DATE REC'D 6/3/30 ASSIGNMENT TO T. C. Perry & Garland Cundiff
This is to certify, That Joseph H. and Laura B. Meredith or Willow

of Ranch, Modoc County, California

has made proof to the satisfaction of the Division

of Water Rights of California of a right to the use of the waters of Bonner Ravine

in Modoc County

tributary of Goose Lake

for the purpose of irrigation

under Permit No. 113 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from April 22,

1916; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed one hundred fifteen (115) acre feet per annum to be collected for storage from about February 1st to about May 15th of each season

to storage

The point of diversion of such water is located N. 89° 10' W. nine hundred fifty two (952) feet from the southeast corner Section 34, T.47N., R.14E., M.D.M., being within the NE¼ NE¼ Section 3, T.46N., R.14E., M.D.M., and the SE¼ SE¼ Section 34, T.47N., R.14E., M.D.M.

Point of diversion to use is N. 52° W. one thousand nine hundred sixty (1,960) feet from the southeast corner Section 34, being within the SW¼ SE¼ Section 34, T.47N., R.14E., M.D.M.

A description of the lands or the place where such water is put to beneficial use is as follows: to irrigate a total of sixty (60) acres as follows:

thirty (30) acres in the NE¼ NW¼ Section 34

twenty (20) acres in the NE¼ SW¼ Section 34

ten (10) acres in the NW¼ SE¼ Section 34, T.47N., R.14E., M.D.M.

60

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing*, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing*, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing*, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this 13th day of March, 1923.

MSE: IM (SEAL)

H. A. Kluegel

Chief of Division of Water Rights, Department of Public Works of the State of California

7/10/52

RECEIVED NOTICE OF ASSIGNMENT TO

Arthur L. Lantz

10/31/55

Partial

Hazel M. Lantz

11-7-61

RECEIVED NOTICE OF ASSIGNMENT TO

Harper et al Joint Venture

3/12/68

RECEIVED NOTICE OF ASSIGNMENT TO

Peter M. Nakahara

3-24-89 Asgd. to Shapell Industries, Inc.; Trustee;

L 196

11/12/57

RECEIVED NOTICE OF ASSIGNMENT TO

J. L. and Ethel D.
Lundiff

- 5-21-76 ASGD TO BERNARD
KASTIN, A.J. TURNACK JR., MELVIN A.
COHEN + BARBARA COHEN
Int of Bernard Kastin + A.J. Turnack, Jr.
8-21-80 ASGD TO U.S. Bur of Land Management
224-81 Order Partially Revoking License (Int of Melvin S. +
Barbara Cohen revoked)



ORDER PARTIALLY REVOKING LICENSE

LICENSE 196 (APPLICATION 312)

Licensee: MELVIN S. COHEN AND BARBARA COHEN,
UNITED STATES BUREAU OF LAND MANAGEMENT

It is ordered that this license is hereby partially revoked and cancelled upon the records of the State Water Resources Control Board as to one interest of Melvin Cohen and Barbara Cohen for the reasons indicated:

1. The former licensees, A. J. Turack and Bernard Kastin, have assigned to the U. S. Bureau of Land Management their shares of License 196.
2. The State Water Resources Control Board has found that Melvin S. Cohen and Barbara Cohen, licensees, failed to beneficially use their share of water under the terms and conditions of this license for a period of five consecutive years or more. This partial revocation has been issued under the direction of the Board and in accordance with Section 1675, California Water Code.

Walter G. Pettit
Walter G. Pettit, Chief
Division of Water Rights

Dated: FEBRUARY 24 1981

cc: County Recorder

The above-listed license was:

☒ filed with the County Recorder of Modoc County
on December 7, 1925.

CERTIFIED *(Signature)*

2. This license is subject to any right subsequently acquired to appropriate water for a more reasonable or higher beneficial use as determined by the State Water Resources Control Board after notice to the licensee and opportunity to the licensee for hearing before the Board on the issue of comparative reasonableness and beneficial use of the water.

0000112

Dated: JANUARY 31 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 312

PERMIT 113

LICENSE 196

ORDER ALLOWING CHANGE IN PURPOSE OF USE AND
PLACE OF USE AND AMENDING THE LICENSE

WHEREAS:

1. License 196 was issued to Joseph H. and Laura B. Meredith and was filed with the County Recorder of Modoc County on December 7, 1925.
2. License 196 was subsequently assigned to U. S. Bureau of Land Management.
3. A petition for change in purpose of use and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:
Stockwatering, Recreation and Wildlife Enhancement
2. The place of use under this license shall be as follows:
At the reservoir located in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3, T46N, R14E, MDB&M
3. The following terms are to be added to the order:
 1. After the initial filling of the reservoir, licensee's right under this license extends only to water necessary to keep the storage reservoir full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair.

0000041